

**ENTERED**

April 16, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JOHN T. PATRICK, §  
§  
Plaintiff, §  
VS. § CIVIL NO. 2:19-CV-65  
§  
JENNIFER HIRBST, *et al*, §  
§  
Defendants. §

**ORDER**

The Court is in receipt of the Motion for Judgment on the Pleadings filed by Defendants Francisco Olvera, Philip Sifuentes, Jennifer Herbst<sup>1</sup> and Ray Guevara, Dkt. No. 74; Plaintiff's Motion to Transfer, Dkt. No. 77; Plaintiff's Motion for Preliminary Injunction, Dkt. No. 80; the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 82; and Plaintiff's objections to the M&R, Dkt. No. 85.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 82, in substance.<sup>2</sup> The Court **DENIES** the following motions:

- Motion for Judgment on the Pleadings filed by Defendants Francisco Olvera, Philip Sifuentes, Jennifer Herbst and Ray Guevara , Dkt. No. 74;
- Plaintiff's Motion to Transfer, Dkt. No. 77; and
- Plaintiff's Motion for Preliminary Injunction, Dkt. No. 80.

SIGNED this 16th day of April 2021.

  
\_\_\_\_\_  
Hilda Tagle  
Senior United States District Judge

<sup>1</sup> Plaintiff listed "Jennifer Hirbst" as a defendant in this case. Plaintiff has clarified that this defendant's last name is "Herbst." Dkt. No. 15.

<sup>2</sup> The Court alters and adopts the following statement (with the correction in bold type):

- "According to Plaintiff, every time he has filed a complaint or grievance against Capt. Herbst or anybody on **her** team, a disciplinary action is brought against Plaintiff within days." Dkt. No. 82 at 5.